

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE:)
)
JULIA MARLENA MOSBY-ORTIZ) Case No. 19-34322-KLP
) Chapter 13
Debtor)

**MOTION TO EXPEDITE HEARING ON MOTION FOR
PROPOSED SALE OF REAL AND TO SHORTEN NOTICE PERIOD**

COME NOW the Debtor, by counsel, and moves this Court to Expedite the Hearing on the Motion for Proposed Sale of Real Estate and to Shorten Notice Period, and in support thereof states as follows:

1. The Debtor filed this case under Chapter 13 of the U.S. Bankruptcy Code on August 20, 2019.
2. Nations Lending Corporations, an Ohio Corporation (“Nations”) is a secured creditor which holds a first mortgage on the property known as 3310 Utah Place, Richmond, Virginia, 23222, more particularly known as

ALL THAT CERTAIN LOT, PIECE, OR PARCEL OF LAND, TOGETHER WITH IMPROVEMENTS THEREON AND APPURTENANCES THERETO BELONGING, LYING AND BEING IN THE CITY OF RICHMOND, VIRGINIA, KNOWN AS 3310 UTAH PLACE, AS MORE PARTICULARLY SHOWN AS PLAY OF SURVEY PREPARED VT ASSOCIATED ENGINEERS & SURVEYORS, LTD., DATED MARCH 18, 1981, ENTITLED “PLAT OF 3310 UTAH PLACE IN THE CITY OF RICHMOND, VIRGINIA”, A COPY OF WHICH IS ATTACHED.

(the “Property”).

James E. Kane (VSB #30081)
KANE & PAPA, P.C.
1313 East Cary Street
Richmond, VA 23219
(804) 225-9500 (phone)
(804) 225-9598 (fax)
Counsel for Debtor

3. The approximate payoff balance on the note secured by said mortgage is \$170,088.20. The assessed value of the Property is \$143,000.00.

4. Debtor has entered into a contract (“Contract”) for a “short-sale” of the sale of the Property for \$133,524.00, which, upon closing of the same, will result in Nations releasing its deed of trust against the Property.

5. On October 30, 2020, or as soon thereafter as may be practicable, Debtor intends to sell her interest in the Property in accordance with the terms of the contract.

6. No proceeds from the sale will be distributed to the Debtor.

WHEREFORE, the Debtor respectfully requests that the Court expedite the hearing on the Motion for Proposed Sale of Real Estate, Shorten the Notice Period required for said Motion, and grant such other and further relief as is just and proper.

Dated: December 16, 2020

JULIA MARLENA MOSBY-ORTIZ

By: /s/ James E. Kane
Counsel

James E. Kane (VSB #30081)
KANE & PAPA, P.C.
1313 East Cary Street
Richmond, VA 23219
(804) 225-9500 (phone)
(804) 225-9598 (fax)
Counsel for Debtor

CERTIFICATION

I, James E. Kane, pursuant to Local Rule 9013-1(N), do hereby certify that:

1. I have carefully examined the matter and concluded that there is a true need for an emergency hearing,
2. I have not created the emergency through any lack of due diligence.
3. I have made a *bona fide* effort to resolve the matter without hearing.

By: /s/ James E. Kane
James E. Kane

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2020, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all parties registered to receive notice thereof and will mail the same by first class mail, postage pre-paid, to the parties on the attached list.

/s/ James E. Kane
Counsel for Debtor

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NOTICE OF MOTION AND HEARING

The above Debtor has filed papers with the Court to request an order to Expedite the hearing and to Shorten the Notice Period with respect the Motion for Proposed Sale of Real Estate.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then, you or your attorney must:

- File with the court, at the address shown below, a written request for a hearing [or written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for a hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above, to:

Clerk of Court
United States Bankruptcy Court
701 East Broad Street
Richmond, VA 23219

You must also mail a copy to:

James E. Kane, Esquire
KANE & PAPA, P.C.
1313 East Cary Street
Richmond, Virginia 23219

- Attend a hearing scheduled for **December 22, 2020 at 10:00 a.m. at U.S. Bankruptcy Court, 701 East Broad Street, Room 5100, Richmond, VA 23219.** If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated: December 16, 2020

JULIA MARLENA MOSBY-ORTIZ

By: /s/ James E. Kane
Counsel

James E. Kane (VSB #30081)
KANE & PAPA, P.C.
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/s/ James E. Kane
Counsel for Debtor

Brock and Scott, PLLC

1315 Westbrrok Plaza Drive

Winston Salem, NC 27103-1357

Loan Care Servicing

Attn: Consumer Solutions Dept

Po Box 8068

Virginia Beach, VA 23450-8068

LoanCare, LLC

3637 Sentara Way

Virginia Beach, Virginia 23452-4262

NPRTO South-East, LLC

256 W. Data Drive

Draper, Utah 84020-2315

Verizon

Verizon Wireless Bk Admin

500 Technology Dr Ste 550

Weldon Springs, MO 63304-2225

Verizon

by American InfoSource as agent

4515 N Santa Fe Ave

Oklahoma City, OK 73118-7901

Carl M. Bates

341 Dial 866-813-0912 Code: 8576180

P. O. Box 1819

Richmond, VA 23218-1819

James E. Kane

Kane & Papa, PC

1313 East Cary Street

P.O. Box 508

Richmond, VA 23218-0508

John P. Fitzgerald, III

Office of the US Trustee - Region 4 -R

701 E. Broad Street, Ste. 4304

Richmond, VA 23219-1849

Julia Marlena Mosby-Ortiz

5600 Charlevoix Court

Apt. 117

Richmond, VA 23224-1039

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Nations Lending Corporation, an Ohio Corpo

Loancare, LLC

3637 Sentara Way,

Virginia Beach, VA 23452-4262

End of Label Matrix

Mailable recipients 12

Bypassed recipients 1

Total 13